IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 1665 of 2006

DATE OF DECISION : 18.12.2006

Narinder Singh alias Lalli

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Mandeep Kaushik, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioner Narinder Singh alias Lalli, through his wife Kuldip Kaur being his special power of attorney, has filed this revision petition against the order dated 10.6.2006, passed by Judge, Special Court, Ludhiana, whereby the application filed by the petitioner for release of his Maruti Car bearing registration No. PB-02L-0030 on sapurdari has been dismissed.

2. I have heard counsel for the parties and gone through the impugned order.

3. In this case, 9 Kgs. 5 grams of opium is alleged to have recovered from the aforesaid vehicle and FIR No. 69 dated 18.4.2006 was registered at Police Station Shimla Puri under Section 18/61/85 of the NDPS Act. The petitioner is the original owner of the vehicle in question. This fact has not been disputed by the State Counsel.

4. Counsel for the petitioner contends that the petitioner is the registered owner of the car. He submits that the conclusion of the trial in the aforesaid FIR will take a long time and if, the vehicle is not released, it will not only damage its condition, but the special attorney of the petitioner will face difficulty in her day-to-day functioning and the police is mis-using the

vehicle. He further submits that the special attorney of the petitioner is ready to give an undertaking that as and when the Court requires the aforesaid vehicle, she will produce the same in the same condition.

5. Undisputedly, the trial in the aforesaid FIR is still pending before the trial court. The question of confiscation of the vehicle in question will be considered along with the main case. At present, the vehicle is standing in the police station. No useful purpose will be served, if it is allowed to remain in the police station and it will also result into its damage.

6. Thus, keeping in view the aforesaid facts and in view of the undertaking given by the petitioner, as indicated above, it will be in the interest of justice if the said vehicle is ordered to be released on sapurdari to the special attorney of the petitioner, who is his wife, on her furnishing proper undertaking.

7. Accordingly, this revision petition is allowed, the impugned order dated 10.6.2006, passed by Judge, Special Court, Ludhiana, is set aside and the Maruti Car bearing registration No. PB-02L-0030 is ordered to be released on sapurdari to Kuldip Kaur, the special attorney of the petitioner on her furnishing personal bond in the sum of Rs. 2,00,000/- with one surety in the like amount with an undertaking to the effect that she shall not sell or alienate it, shall not change its colour or condition and shall produce it in the same condition at her own cost as and when the trial court requires it. She shall also give undertaking that in future, she will not use this vehicle for transporting intoxicant or any other criminal activity nor she will allow it to be used for such an activity by any person.

December 18, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**